## OCT 17 2008

### IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:

Beckman et al.

: Cust. No.:

000027777

Serial No.

10/815,004

Group Art Unit:

3736

Filed:

March 31, 2004

: Examiner;

Rene T. Towa

For:

MARKER DEVICE AND METHOD OF DEPLOYING A CAVITY MARKER

USING BIOPSY DEVICE

Confirmation No. 1279

I certify this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on October 17, 2008.

/Gerry Gressel/

Gerry Gressel/ Gerry Gressel

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

#### Dear Sir:

A notice of abandonment for failure to pay the issue fee was mailed by the USPTO on 10/31/08.

This petition, submitted within 2 months of the notice of abandonment, is submitted with a faxed copy of the USPTO "Auto-Reply Facsimile Transmission" sheet showing the Issue Fee transmittal was in fact sent to the USPTO on September 9, 2008, and received by the USPTO.

A copy of the Issue Fee Transmittal, with Certificate of Facsimile Transmission, is also enclosed.

Withdrawal of the Holding of Abandonment is requested, as the abandonment was clearly a mistake on the part of the USPTO.

No fees are believed to be required.

10/815,004 END5096USNP

If the office disagrees, please call the undersigned immediately.

/Gerry Gressel/ Gerry Gressel, reg #34,342

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (513) 337-3535

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United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,004	03/31/2004	Andrew T, Beckman	END5096.0515521	1279
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This application is at		a proper reply to the Office letter mailed o	· .m	
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(1) a timet	y filed amendment wh	sich places the application in condition for	allowance;	·
(2) a umer (3) a timel	y filed Notice of Appea y filed Request for Co	al (with appeal fee); Intinued Examination (RCE) in complianc	e with 37 CFR 1.114).	
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_	hal rejection. See 37 C has been received.	CFR 1.85(a) and 1.111. (See explanation	in box e below).	•
2. Applicant's fa	ilure to timely pay the	e required issue fee and publication fee,	if applicable, within the	statutory period of three
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Allowability (I	PTO-37).	rrected drawings as required by, and w	ithin the three-month p	eriod set in, the Notice of
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4. The letter of all of the app	express abandonmer licants.	nt which is signed by the attorney or age	nt of record, the assign	ee of the entire interest, or
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Telephone inquirie	s should be directed t	o the Office of Data Managoment at (571	) 272-4200.	
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o-reply fax to 7325242808 COMPANY;

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OCT 1.7 2008

**Auto-Reply Facsimile Transmission** 



TO:

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